

### **EXAMINER AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with W. Keith Robinson (Reg. No. 59,396) on 10 March 2011.
3. The following claim(s) has been amended:
  - a. Claim 14:
    - i. Line 20: insert after "consumption line," -- the first distance being a normal that connects the estimation point and the ideal consumption line --.
    - ii. Line 23: insert after "an origin" -- point --.
    - iii. Line 27: insert after "the origin" -- point --.
  - b. Claim 17:
    - i. Line 17: insert after "consumption line," -- the first distance being a normal that connects the estimation point and the ideal consumption line --.
    - ii. Line 18: insert after "an origin" -- point --.
    - iii. Line 22: insert after "the origin" -- point --.
  - c. Claim 20:

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- i. Line 11: insert after “consumption line,” -- the first distance being a normal that connects the estimation point and the ideal consumption line --.
  - ii. Line 15: insert after “an origin” -- point --.
  - iii. Line 18: insert after “the origin” -- point --.
- d. Claim 23:
  - i. Line 13: insert after “consumption line,” -- the first distance being a normal that connects the estimation point and the ideal consumption line --.
  - ii. Line 16: insert after “an origin” -- point --.
  - iii. Line 20: insert after “the origin” -- point --.

***Reasons for Allowance***

4. The following is an examiner’s statement of reasons for allowance:

Interpreting the claims in light of the specification, Examiner finds the claimed invention is patentably distinct from the prior art of record. The prior art does not expressly teach or render obvious the invention as recited in independent claims 14, 17, 20 and 23. In particular, the prior art fails to teach calculating, for each of the servers, a first distance from an estimation point indicating an estimated consumption to an ideal consumption line, the first distance being a normal that connects the estimation point and the ideal consumption line.

Pitkin et al. (US 5,341,477; cited in the previous Office action) teaches a broker mechanism allocating a plurality of servers, each having an available resource capacity, to a plurality of clients for delivering one of several services to the clients. This is accomplished by monitoring the dynamic status of the servers and responding to requests from the clients concerning which memory of that server set is capable of providing the requested service.

Deng et al. (US 2001/0039581; cited in the previous Office action) teaches distributing incoming requests across multiple servers by collecting information on both the attributes of the requests and resource capacity of the servers to dynamically allocate the requests to the appropriate servers. Metrics maintained in a request table and resource table, characterized as a requirement vector and a capability vector, respectively, are analyzed to minimize the metric distance between the two vectors.

O'Toole, Jr. (US 7,320,131) teaches selecting a server from several servers to process a request from a client by making a usage estimate for each server of the increase in usage required for that server to process the client request and selecting a server based on the estimates.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN CHEW whose telephone number is (571)270-5571. The examiner can normally be reached on Monday-Thursday, 8:00AM-5:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. C./

Examiner, Art Unit 2195

/Meng-Ai An/

Supervisory Patent Examiner, Art Unit 2195